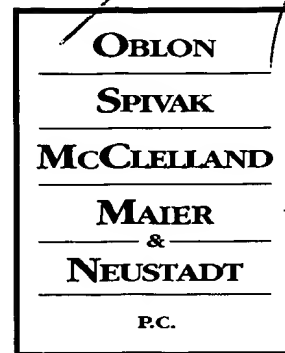




Docket No.: 203391US6

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/785,204

Applicants: Mari SAITO, et al.

Filing Date: February 20, 2001

For: INFORMATION PROCESSING APPARATUS AND Technology Center 2100
METHOD AND PROGRAM STORAGE MEDIUM

Group Art Unit: 2175

Examiner: ABEL-JALIL, N.

RECEIVED

MAY 13 2004

SIR:

Attached hereto for filing are the following papers:

APPEAL BRIEF (in triplicate)

Our credit card payment form in the amount of **\$330.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

05/11/2004-EFLORES-00000075-09785204-

01-FC-1402

330.00-CP

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203391US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MARI SAITO, et al. : EXAMINER: ABEL-JALIL, N.
SERIAL NO: 09/785,204 :
FILED: FEBRUARY 20, 2001 : GROUP ART UNIT: 2175
FOR: INFORMATION PROCESSING :
APPARATUS AND METHOD
AND PROGRAM STORAGE
MEDIUM

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MAY 13 2004

Technology Center 2100

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is an appeal of the most recent Final Rejection dated October 7, 2003, of Claims 1-20 that is hereinafter referred to as FR. A Notice of Appeal from this FR was timely filed with an appropriate extension of time on March 8, 2004.

05/11/2004 EFLORES 00000075 09785204

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I. REAL PARTY IN INTEREST

The real party in interest in this appeal is the Assignee SONY CORPORATION.

II. RELATED APPEALS AND INTERFERENCES

Appellants' legal representative and the Assignee are aware of no appeals which will directly effect or be directly effected by or have any bearing on the Board's decision in this appeal.

III. STATUS OF THE CLAIMS

Claims 1-20 stand finally rejected which forms the basis for this appeal. A clean copy of the finally rejected Claims 1-20 are attached as an appendix to this brief.

IV. STATUS OF THE AMENDMENTS

No amendments have been filed after the FR.

V. SUMMARY OF THE INVENTION

The present invention includes an information processing apparatus and method for displaying associated information that corresponds to a present event. This apparatus and method includes, for example, the accumulation block 1 shown in Fig. 1 acquires associated information, here related to documents, via blocks 2-4 and prepares a document feature database via block 5. As explained relative to the steps shown by Fig. 3, for example, documents previously captured (i.e., in the past) are processed to extract attribute information and keywords relative to these already accumulated documents in order to prepare the document feature or "past event" database. In this exemplary Fig. 1 embodiment, the event occurrence detection means detecting the occurrence of the present event is represented by the event extraction block 8. This event extraction block 8 is described in the specification at page 14, lines 17-24, for example, as detecting the end of e-mail transfer or of a selected text data quantity being exceeded during document editing. Such detecting is defined to be detecting the occurrence of a present event at lines 22-24 of page 14 and lines 1-2 of page 15 of the specification, for example. After the detection of this present event via exemplary

block 8, a search is made of existing information (in the document feature or “past event” database) via exemplary database inquiry block 9 in order to find a document with features having a similarity to the information corresponding to the detected present event document as fully explained relative to the exemplary Figure 1 embodiment on page 15, lines 2-17 of the specification. As further explained at lines 15-17 of this specification page, the associated information that corresponds to the search results obtained by exemplary database inquiry block 9 are supplied to an associated information presentation block 10 such that a display of the associated information that is related to the existing information retrieved by the search is the result.

With further regard to an exemplary disclosure of corresponding steps used with the claimed method and program storage medium, note the flow charts of Figure 3 and Figure 5. The corresponding Figure 3 description appears at page 17, line 21 through page 21, line 8 of the specification while the corresponding Figure 5 description appears at page 21, line 9 through page 22, line 20 of the specification.

VI. ISSUES

The first issue involved in this appeal is whether or not the rejection of Claims 7 and 8 under 35 U.S.C. § 102(e) as being anticipated by Adar et al. (U.S. Patent No. 6,493,702, Adar) is proper. The second issue in this appeal is whether or not the rejection of Claims 1-6 and 9-20 as being unpatentable over Adar in view of Gottzman et al. (U.S. Patent No. 6,134,548, Gottzman) is proper. Both of these issues are treated in detail in the “ARGUMENT” set forth as item VIII below.

VII. GROUPING OF THE CLAIMS

Claims 1-20 will stand or fall separately and are argued separately below.

VIII. ARGUMENT

A. The subject matter of Claims 7 and 8 is not anticipated by Adar

It is first noted that Adar simply discloses that an HTML document can be retrieved using a key word query or the frequency and newness of access. The key word query alternative is taught to be done through bookmark searches using a search text-entry box 242 for key word searches as described in the paragraph bridging columns 7-8 of Adar. Columns 7-11 of Adar present the description of bookmark key word query searching.

On the other hand, column 12, lines 35-59 of Adar discusses the database 120 that monitors the popularity of each document referred to in each user's bookmark collection. It is relative to such popularity tracking that the alternative approach of using frequency and newness of access is taught. In this alternative, every time a bookmark is used by a user, the time, date, and nature of that access is logged as part of tracking popularity. See, column 12, lines 42-44.

While Adar may suggest (at column 12, lines 50-54) that various different data can be extracted from documents by the database 120, such as information on the date and time a document was created, the author of the document, and search key words, nowhere does Adar reasonably teach or fairly suggest searching for existing information corresponding to a past event based upon its similarity to information corresponding to a present event.

Turning to the arguments presented in the FR, it is noted that pages 2-4 unreasonably rely upon the selection of unrelated isolated disclosures from Adar and a clearly improper combination of these isolated disclosures that is never taught or suggested by Adar. Note, for example, the rationale of the FR begins in the paragraph bridging pages 2-3 by referencing column 24, lines 35-44 which is part of Claim 59 of Adar directed to an information repository search engine. Here, the Office Action suggests that the “event that has taken place” can be read on receiving “at least a key word query.” Instead of staying with Claim 59 and correlating the terms therein to the remainder of Claims 7 and 8, the FR next turns to column 12, lines 48-59 as to the step of “extracting attribute information from an existing text file.” In this last regard, it appears that the search key words feature described here is being relied on. However, Claim 7 and Claim 8 both include a separate step of “selecting an important word from among words contained in said existing text file.”

It appears from the rationale presented in page 3 that presents the words “column, lines” without identifying numbers that this step is improperly ignored by equating this “selecting” to keyword generation already relied upon as to the preamble and separate step recitation of “detecting a key word from a text file.” The reading of the same key word as these different claimed words is clearly improper.

Also, the attempt to some how combine the key word extraction by database 120 popularity monitoring to facilitate undefined search options, noted at column 12, lines 54-56, with the claim 58 shared contact pointers is not proper. The teachings for combining isolated disclosures must come from the reference itself, not from the examiner. See In re Kotzab, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) as follows:

Further, a rejection cannot be predicated on the mere identification in [a single reference] of individual components of claimed limitations. Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.

The improper selection and combination of isolated disclosures coupled with improper reading of different claim 7 and claim 8 terms as corresponding to one term disclosed by Adar continues with the reliance on column 12, lines 36-59 and reading “acquiring” on “access the document” as presented at page 3 of the FR as to the step of Claims 7 and 8 requiring “acquiring said associated information related to said important word selected in the selecting step.” However, this step cannot be reduced to simply accessing a document.

Furthermore, the rationale as to the subject matter of Claims 7 and 8 appears to attempt to equate the claimed “associated information” with the disclosure of the trackable nature of the system which can use frequency and recency of access. However, if this information is to be used in searching, the extracting of attribute information and important words would appear to be superfluous. Even assuming that a database could be constructed using the search for the popularity metric of frequency and recency of access, the manner that the detecting the occurrence of said event is being read on access, as at page 3 of the FR, is not clear. In this regard, this event has already been read on the receiving of the key word query input of Claim 59 of Adar as noted above. Accessing and receiving are clearly not the same events. Accordingly, the improper cobbling together of unrelated teachings is clear as is the lack of any suggestion in Adar that these unrelated events can be combined.

Moreover, searching the database constructed in the database constructing step for associated information corresponding to said key word detected in the key word detecting step would not be met if a search was being conducted based upon the previously relied upon frequency and recency of access.

It is well established that in order for anticipation to exist, a single prior art reference must not only disclose each and every element being claimed, these elements must be disclosed to be present in the claimed arrangement. See In re Bond, 15 USPQ 2d 1566 (Fed. Cir. 1990); Lindemann Maschinen Fabrik GMBH v. American Hoist & Derrick Co., 221 USPQ 481 (Fed. Cir. 1984); and Ex parte Gould, 6 USPQ 2d 1680 (Bd. Pat. App. & Int. 1987). As fully explained in Ex parte Osmond, 191 USPQ 334, 336 (Bd. Pat. App. & Int. 1973), there must be something in a patent disclosure which would direct a person of ordinary skill in the art to make the selections necessary to bring together the separate elements to form the combination being relied upon. As no such teaching is present here, the reliance upon Adar as anticipating Claims 7 and 8 is clearly improper and should be reversed.

B. The subject matter of Claims 1-6 and 9-20 is not obvious over Adar and Gottsman

The outstanding Action further misconstrues the reasonable teachings of Adar from the bottom of page 4 to the top of page 5 of the FR. In this regard, Claim 1 recites that the information processing apparatus must display the "associated information corresponding to a present event," and the outstanding Action begins by equating the "event" to reception of "a keyword query input." However, the interpretation of this "event" changes as other limitations of Claim 1 are treated in a clear hindsight attempt to find pieces of isolated disclosure in Adar to manipulate into these further limitations. For example, the originally

interpreted present “event” changes from the originally asserted user “keyword input query” to “access” historical monitoring data in the explanation.

As if this initial flip flopping as to the “event” taught by Adar to be the claimed “present event” were not bad enough, the FR further ignores the claimed requirement that the search means must search “existing information having similarity to information corresponding to the present event detected by the event occurrence detection means” by returning to keyword entry disclosure (at column 7, line 65-column 8 line 1). However, this “keyword” entry is based on user direct input and is for searching book marks in the first instance, and has nothing to do with the database 120 monitoring of frequency of access noted at col. 12, lines 36-47.

Similarly, the attempt to read the display control taught at column 15, lines 24-44 of Adar on the Claim 1 “display control means for controlling displaying of said associated information related to the existing information retrieved by said search means” (emphasis added) is without merit. Column 15, lines 24-44 of Adar relate to the display of documents that have been determined by relevance feedback and the database 120 as described at column 14, lines 37-54 and the separate “key word” search noted there that is not the same search as the user input “key word” search noted at column 7, line 65-column 8, line 1.

Just as the analysis offered as to the reasonable teachings and fair suggestions of Adar is neither reasonable nor fair, neither is the analysis of the reason why the artisan would attempt to modify the Adar bookmark based search engine with the Gottzman disclosed mobile shopping system. In this regard, and as noted by the court in In re Lee, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002) (citing In re Rouffet, 149 F.3d 1350, 1359, 47 USPQ2d 1453,

1459 (Fed. Cir. 1998)) the question is not just why the artisan would combine reference teachings, there also must be a reasonable explanation of why the artisan would even select the references for combination in the first place. This is particularly relevant as no clear linkage appears as to the Adar bookmark based search engine and the Gottzman mobile shopping system.

Furthermore, the reasons offered in support of the combination at page 5 of the FR defy logic because the “better business opportunities” are not explained in terms of improving the Adar bookmark based search engine. The situation here is not unlike the presentation of unfounded conclusions lacking any concrete basis in the record that the Lee court noted at 61 USPQ2d 1435 as follows:

The examiner's conclusory statements [...] do not adequately address the issue of motivation to combine. This factual question of motivation is material to patentability, and could not be resolved on subjective belief and unknown authority.

Consequently, it is clear that Claim 1, as well as Claims 2-6 and 17-20 that depend on Claim 1, all clearly define over anything fairly taught or suggested by Adar and/or Gottzman taken alone or together in any proper combination. Thus the rejection of these claims based upon these two references should also be reversed.

In addition, dependent Claims 2-6 and 17-20 each set forth further features that are clearly not taught or suggested by Adar and/or Gottzman taken alone or together in any proper combination.

For instance, the FR is in error because it ignores that Claim 2 requires the “said event occurrence detection means” that “detects sending, receiving, or editing of an electronic mail as said event” without any analysis of the disclosed means or equivalents thereto. With

respect to Claim 3, the title and a URL of a web page must both contain an “said important word as the associated information.” Similarly, the Claim 4 acquisition requires the “associated information” to be “related to said important word selected by said selection means.”

Independent Claim 9 requires that displayed associated information be related to a text file processed by a predetermined application program. While column 8, lines 16-23 of Adar mention undefined Web-based application program as to command selections for drop-down list box 246, this has nothing to do with the claimed “a text file processed by a predetermined application program.” Similarly the Claim 9 “processing detection means for detecting, as an event, predetermined processing of said predetermined application program” and the “key word detection means for detecting a key word from said text file processed by said predetermined application program” (emphasis added) have not been properly analyzed as the underlined requirement has been ignored.

With regard to Claim 10, the requirement that the script must be of “said character” has been ignored and the equating of the claim 11 “voice” to any sound is improper. Similar errors appear as to Claim 12-14 as column 9, lines 1-25 have nothing to do with Claim 12 subject matter, just as column 10, lines 10-26 do not teach Claim 13 subject matter and the subject matter of Claim 14 does not appear at the reference portions.

Claims 15-20 also are not reasonably taught by the relied upon teachings from either Adar or Gottzman.

With further regard to independent Claims 9, 15, and 16, the above-noted arguments as to the improper combining of isolated teachings from different isolated portions of Adar

and from Gottzman all without establishment of concrete and reasonable evidence as to motivation, is again believed to be relevant. It is also noted that the "searching" required in these claims is now specifically stated to be a search for associated information made by searching a database "for a previously processed existing file." Neither Adar nor Gottzman teach or suggest this search "for a previously processed existing file."

The Claim 17 requirement for grouping means and the function of the acquisition means and search means that must be performed as to a "group of existing information" has not been adequately addressed in the FR just as the Claim 18 "weight calculation means" and clear distinction between an "important word" and a "key word" has been ignored. The Claim 19 requirement as to selecting an important word from text file words and the use of the important word so selected is also ignored. Similarly, the use of the extracted attribute information and acquired associated information of Claim 20 is not properly considered in the FR.

Accordingly, the rejection of Claims 2-6 and 17-20 and should also be reversed.

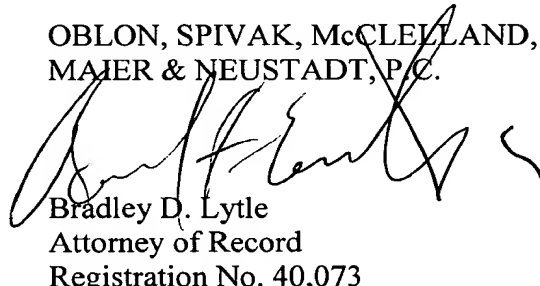
Application Serial No.: 09/785,204
Appeal Brief dated May 10, 2004

CONCLUSION

The rejections applied to Claims 1-20 should all be reversed as being clearly improper under the controlling precedent cited above and for the above-noted reasons.

Respectfully Submitted,

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APPENDIX

1. An information processing apparatus displaying associated information corresponding to a present event, comprising:
 - acquisition means for acquiring said associated information using existing information corresponding to a past event;
 - event occurrence detection means for detecting the occurrence of said present event;
 - search means for searching said existing information having similarity to information corresponding to the present event detected by the event occurrence detection means; and
 - display control means for controlling displaying of said associated information related to the existing information retrieved by said search means.
2. The information processing apparatus according to claim 1, wherein said event occurrence detection means detects sending, receiving, or editing of an electronic mail as said event.
3. The information processing apparatus according to claim 19, wherein said acquisition means acquires a title and a URL of a Web page containing said important word as the associated information.
4. The information processing apparatus according to claim 19, wherein said acquisition means acquires, in a predetermined timed relation, said associated information related to said important word selected by said selection means.

5. The information processing apparatus according to claim 20, further comprising:
if an update condition is satisfied, update means for updating said database
constructed by said database construction means.

6. The information processing apparatus according to claim 5, wherein said update
condition can be set by a user.

7. An information processing method for an information processing apparatus for
detecting a key word from a text file corresponding to an event that has taken place and
displaying associated information corresponding to said key word, comprising the steps of:

extracting attribute information from an existing text file;
selecting an important word from among words contained in said existing text file;
acquiring said associated information related to said important word selected in the
selecting step;
constructing a database by use of at least one of said attribute information extracted in
the extraction step and said associated information acquired in the acquiring step;
detecting the occurrence of said event;
detecting a key word from said text file corresponding to said event detected in the
event occurrence detecting step;
searching said database constructed in the database constructing step for said
associated information corresponding to said key word detected in the key word detecting
step; and

controlling displaying of said associated information retrieved in the searching step.

8. A program storage medium storing a computer-readable program for detecting a key word from a text file corresponding to an event that has taken place and displaying associated information related to said key word, comprising the steps of:

extracting attribute information from an existing text file;

selecting an important word from among words contained in said existing text file;

acquiring said associated information related to said important word selected in the selecting step;

constructing a database by use of at least one of said attribute information extracted in the extraction step and said associated information acquired in the acquiring step;

detecting the occurrence of said event;

detecting a key word from said text file corresponding to said event detected in the event occurrence detecting step;

searching said database constructed in the database constructing step for said associated information corresponding to said key word detected in the key word detecting step; and

controlling displaying of said associated information retrieved in the searching step.

9. An information processing apparatus for displaying a character on a display device and for displaying associated information related to a text file processed by a predetermined application program, comprising:

processing detection means for detecting, as an event, predetermined processing of said predetermined application program;

key word detection means for detecting a key word from said text file processed by said predetermined application program corresponding to said event detected by said processing detection means;

search means for searching a database for said associated information by searching a data base for a previous processed existing file corresponding to said key word detected by said keyword detection means;

input means for inputting a command;

command processing means for executing, in response to said command inputted by said input means, processing on said associated information retrieved by said search means; and

display control means for displaying, in response to said event detected by said processing detection means, said character onto said display device and changing a manner of displaying said character in response to said command inputted by said input means.

10. The information processing apparatus according to claim 9, wherein said display control means also displays text information as a script of said character.

11. The information processing apparatus according to claim 10, further comprising output means for outputting a voice signal corresponding to said text information displayed by said display control means.

12. The information processing apparatus according to claim 9, wherein said command processing means displays, on said display device, said associated information retrieved by said search means in an object form with respect to at least one of movement, storage, and deletion, in response to a display command inputted by said input means.

13. The information processing apparatus according to claim 12, wherein said command processing means stores said associated information in response to a storage command inputted by said input means and displays a list of the stored associated information onto said display device.

14. The information processing apparatus according to claim 9, wherein said associated information is a URL of a Web page and said command processing means starts a WWW browser so as to access said URL of said Web page as said associated information in response to an access command inputted by said input means.

15. An information processing method for an information processing apparatus for displaying a character on a display device and for displaying associated information related to a text file processed by a predetermined application program, comprising the steps of:

detecting, as an event, predetermined processing of said predetermined application program;

detecting a key word from said text file processed by said predetermined application program corresponding to said event detected in the processing detecting step;

searching for said associated information by searching for a previously processed existing file corresponding to said key word detected in the key word detecting step;

inputting a command;

executing, in response to said command inputted in the inputting step, processing on said associated information retrieved in the searching step; and

displaying, in response to said event detected in the processing of said detecting step, said character onto said display device and changing a manner of displaying said character in response to said command inputted in the inputting step.

16. A program storage medium storing a computer-readable program for displaying a character on a display device and for displaying associated information related to a text file processed by a predetermined application program, comprising the steps of:

detecting, as an event, predetermined processing of said predetermined application program;

detecting a key word from said text file processed by said predetermined application program corresponding to said event detected in the processing detecting step;

searching for said associated information by searching a database for a previously processed existing file corresponding to said key word detected in the key word detecting step;

executing, in response to a command inputted, processing on said associated information retrieved in the searching step; and

displaying, in response to said event detected in the processing of said detecting step, said character onto said display device and changing a manner of displaying said character in response to said command inputted.

17. An information processing apparatus according to Claim 1, further comprising:
grouping means for grouping said existing information into a group of existing information based upon attribute information of said existing information,

wherein said acquisition means acquires the associated information related to said group of existing information made by said grouping means as said existing information,

said search means searches for said group of existing information as said existing information having similarity to information corresponding to the present event detected by the event occurrence detection means, and

the display control means controls displaying of said associated information related to said group of existing information as said existing information retrieved by said search means.

18. An information processing apparatus according to Claim 17, further comprising:
weight calculation means for calculating weight of key words contained in each said group of existing information,

selection means for selecting an important word among said key words based upon said weight of key words,

wherein said acquisition means acquires said associated information related to said group of existing information using said important word selected by said selection means.

19. The information processing apparatus according to Claim 1, wherein
said existing information corresponding to said past event is an existing text file and
said information corresponding to said present event detected by the event occurrence
detection means is a text file, further comprising,

selection means for selecting an important word from among words contained in said
existing text file,

wherein the acquisition means acquires said associated information by using said
important word selected by said selection means as said existing information.

20. An information processing apparatus according to claim 1, further comprising:
extraction mean for extracting attribute information from the existing information;
and

database construction means for constructing a database by use of at least one of said
attribute information extracted by said extraction means and said associated information
acquired by said acquisition means.